

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

December 17, 1998

DIVISION ONE

B119125 The People (Not for Publication)
v.
Redic

The Court:

The opinion filed December 3, 1998, is vacated and a new opinion is filed this date. (see order)

B119125 The People (Not for Publication)
v.
Redic

The judgment is reversed.

Masterson, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B118952 McIntyre (Not for Publication)
v.
Gray

The judgment is affirmed. Dr. Gray is entitled to his costs of appeal.

Vogel (Miriam A.), Acting P.J.

We concur: Masterson, J.
Dunn, J. (Assigned)

DIVISION ONE (Continued)

B119207 People (Not for Publication)
v.
Simmons

The judgment is reversed insofar as it finds Simmons guilty of murder in the first degree, and the cause is remanded to the trial court. Within 30 days following issuance of remittitur, the People shall elect whether to retry the murder charge. If the People elect to retry the charge, a written demand for a new trial shall be filed with the trial court within said 30-day period and the court shall proceed to retry the charge and, if necessary to thereafter resentence Simmons. If no such demand is timely filed, the trial court shall proceed as though our remittitur modified the judgment by finding Simmons guilty of second degree murder, and shall thereafter proceed to resentence Simmons. In all other respects, the judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Masterson, J.

DIVISION TWO

Court convened at 9:15 A.M.

Present: Boren, P.J., Fukuto, J., Nott, J., Zebrowski, J., and G. Villanueva, Deputy Clerk.

B106906 People
v.
Evans

Merits:
Argued by Mike Horwitz for appellant and by Jason Tran, Deputy Attorney General for respondent. Cause submitted.

DIVISION TWO (Continued)

B116732 People
 v.
 Suarez & Hernandez

Merits:
Argued by Allen Weinberg & Tracy Dressner for appellants and by Corey Robins, Deputy Attorney General for respondent. Cause submitted.

B117963 Farnham
 v.
 City of Los Angeles

Merits:
Argued by Gerald Serlin for appellant and by Lisa Berger for respondent. Cause submitted.

B117007 Thomason
 v.
 Jackson

Merits:
Argued by Pierpont Laidley for appellant and by Robert Lipscomb for respondent. Cause submitted.

B122234 Gaffney
 v.
 Bosley Medical Group

Merits:
Argued by Samuel Rees for appellant and by Donald Kula for respondent. Cause submitted.

B121796 Carnicelli
 v.
 Big Ticket Productions

Merits:
Argued by Richard Barone for appellant and by Linda Edwards for respondent. Cause submitted.

DIVISION TWO (Continued)

B115019 Cecil
 v.
 Beneficial California Inc.

Merits:
Argued by Thomas Nitti for appellant and by Samy Henein for respondent.
Cause submitted.

Court recessed.

The Court reconvened at 1:00 P.M.

Present: Boren, P.J., Fukuto, J., Nott, J., Zebrowski, J., Mallano, J. (Assigned), and G. Villanueva, Deputy Clerk.

B126102 Alfia L.
 v.
 Superior Court, L.A. County
 (L.A.C.D.C.F.S., r.p.i.)

Merits:
Argued by Michael Moore for petitioner and by Sterling Honea, Deputy County Counsel for real party in interest and by Lisa Rozzano for respondent. Cause submitted.

B116261 People
 v.
 Rocha

Merits:
Argued by Thomas Ono for appellant and by Juliet Swoboda, Deputy Attorney General for respondent. Cause submitted.

DIVISION TWO (Continued)

B125651 Rocio S.
 v.
 Superior Court, L.A. County
 (L.A.C.D.C.F.S., r.p.i.)

Merits:

Argued by Amy Pellman for petitioner and by Arezoo Pichvai for real party in interest and by Lisa Rozzano for respondent. Cause submitted.

B118294 Kozub
 v.
 City of Pomona

Merits:

Argued by Scott Widitor for appellant and by Roger Diamond for respondent. Cause submitted.

B120462 Thompson
 v.
 County of L.A.

Merits:

Argued by Donald Cook for appellant and by Cindy Lee for respondent. Cause submitted.

B114314 Richard Dominguez
 v.
 Liente Marina Dominguez

Merits:

Argued by Michelle Mulvey for appellant and by Bernard Grossman for respondent. Cause submitted.

DIVISION TWO (Continued)

B126581 Iraheta
 v.
 Superior Court, L.A. County
 (City of Los Angeles, r.p.i.)

Merits:

Argued by Alex Ricciardulli & Mark Harvis, Deputies County Counsel for petitioner and by Candice Horikawa for respondent. Cause submitted.

B115374 Mary Ledding
 v.
 Edward Ledding

Merits:

Argued by Mary Ledding, appellant in propria persona and by Alda Shelton for respondent. Cause submitted.

Fukuto, J. & Nott, J. leave the bench.

B119304 Westoil Terminals Co.
 v.
 Continental Insurance

Merits:

Argued by Peter Sheridan for appellant and by Gary Sparling for respondent. Cause submitted.

Court adjourned.

DIVISION FOUR

B110350 County of Los Angeles (Not for Publication)
v.
Ranger Insurance Company

The order denying Ranger's motion is affirmed. Costs are awarded to respondent.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

B125162 Michael H. (Not for Publication)
v.
S.C.L.A.
D.C.F.S.

The petition for writ is denied.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

DIVISION FIVE

B121728 People (Not for Publication)
v.
George G.

The judgment is affirmed.

Turner, P.J.

We concur: Armstrong, J.
Godoy Perez, J.

DIVISION FIVE (Continued)

B115874 People (Not for Publication)
v.
Tracy Dereck Parrish

The judgment is modified to reflect the imposition of a \$50 laboratory fee pursuant to Penal Code section 1464 and \$35 pursuant to Government Code section 76000. Upon issuance of the remittitur, the additional fee and assessments shall be imposed. The minute order of July 28, 1997, is modified to reflect that the trial court found only one prior prison term allegation to be true. Thereupon the superior court clerk is to issue amended abstract of judgment which reflects imposition of the laboratory fee, the two penalty assessments, and corrects the count 2 reference to Health and Safety Code section 11350, subdivision (a), and forward it to the Department of Corrections. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

B125650 Los Angeles County, D.C.S. (Not for Publication)
v.
Marlene R.
In re Jared S.

The mandate petition of the mother is denied on the merits. The mandate petition of the father is dismissed.

Turner, P.J.

We concur: Grignon, J.
Godoy Perez, J.

DIVISION SIX

[illegible]

Accordingly, we modify the judgment to include a restitution fine in the amount of \$2,000 pursuant to section 1202.45, which is suspended pending revocation of Alcala's parole should that occur. The clerk of the superior court is ordered to prepare a corrected abstract of judgment reflecting the foregoing. In all other respects, the judgment is affirmed.

Gilbert, J.

We concur: Stone, P.J.
Yegan, J.

B114223 People v. Blakey (Not for Publication)

The trial court is directed to impose a \$200 fine pursuant to section 1202.45 and issue an amended abstract of judgment reflecting the fines. In all other respects, the judgment is affirmed.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Coffee, J.

B125833 Gary B. (Not for Publication)
v.
Superior Court of Ventura County
Human Services Agency

The petition is denied.

Yegan, J.

We concur: Stone, P.J.
 Coffee, J.

December 17, 1998-Continued

DIVISION SIX (Continued)

B119907 People (Not for Publication)
v.
Rodriguez

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Coffee, J.

B121328 People (Not for Publication)
v.
Brunes

The judgment is affirmed.

Yegan, J.

We concur: Stone, P.J.
Coffee, J.

DIVISION SEVEN

B119485 People (Not for Publication)
v.
Smith

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.
Neal, J.

December 17, 1998-Continued

DIVISION SEVEN (Continued)

[illegible]

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.
Neal, J.

[illegible]

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B122307 People (Not for Publication)
v.
McLaurin

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

December 17, 1998-Continued

DIVISION SEVEN (Continued)

[illegible]

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

B115169 People (Not for Publication)
v.
Resnick

The judgment is modified to impose a suspended \$200 fine pursuant to Penal Code section 1202.45, to remain suspended unless and until appellant violates parole. The clerk of the superior court is ordered upon issuance of the remittitur to prepare a corrected abstract of judgment as set forth in this opinion and forward it to the Department of Corrections. In all other respects, the judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

B110230 Arkway, et al. (Not for Publication)
v.
Matzner

The judgment is modified by deleting the "with prejudice" provisions. The interest-free language is deleted from the June 20 summary adjudication order. As modified, the judgment is affirmed. Appellants to recover costs on appeal.

Woods, J.

We concur: Lillie, P.J.
 Neal, J.

DIVISION SEVEN (Continued)

B124710 In re Ashley T.
Robert T.
v.
Superior Court, Los Angeles County
(Los Angeles County, D.C.F.S., r.p.i.)

Filed order denying petition for rehearing.

B118894 People (Not for Publication)
v.
Harris

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
Neal, J.

B121654 Los Angeles County, D.C.S. (Not for Publication)
v.
Teresa R.
In re Justin and Angeline R.

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.